

**UNITED STATES DISTRICT COURT  
DISTRICT OF NEVADA**

RICHARD BLANCARTE,

Plaintiff,

v.

WAL-MART STORES, INC.,

Defendant.

2:10-CV-1420 JCM (RJJ)

**ORDER**

Presently before the court is the report and recommendation of Magistrate Judge Robert J. Johnston (doc. #24) regarding plaintiff Richard Blancarte's failure to appear for his deposition. Plaintiff did not file an opposition to the recommendation.

In the report and recommendation, Judge Johnston made the following findings: (1) plaintiff failed to participate in any discovery, including the taking of his scheduled and noticed deposition; (2) plaintiff failed to attend the hearing on his attorney's motion to withdraw; (3) plaintiff failed to provide any current address or means of contact to the court and defendant's counsel; (4) plaintiff has abandoned his case by refusing to prosecute it in a timely manner; (5) plaintiff has not appeared in any matter related to this case in the past nine months; and (6) dismissal is an appropriate sanction for plaintiff's failure to appear for his deposition pursuant to Federal Rule of Civil Procedure 37(b), (d). (Doc. #24). Based on these findings, Judge Johnston recommended that the case be dismissed with prejudice. (Doc. #24).


1 Pursuant to Local Rule IB 3-2, the parties may file specific written objections to the  
2 recommendation within fourteen days of receipt. To date, no objections have been filed.

3 Upon review of the report and recommendation (doc. #24), and there not being any  
4 objections,

5 IT IS HEREBY ORDERED, ADJUDGED, AND DECREED that United States Magistrate  
6 Judge Robert J. Johnston's recommendation (doc. #24) is AFFIRMED in its entirety.

7 IT IS THEREFORE ORDERED that the above-captioned case be, and the same hereby is,  
8 DISMISSED with prejudice.

9 DATED September 6, 2011.

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12 **UNITED STATES DISTRICT JUDGE**